

UNITED STATES DISTRICT COURT

SOUTHERN DISCTRICT OF TEXAS

Terri Atwater,)

Plaintiff,)

)

Vs.)

)

LTD Financial Services, L.P.,) CIVIL ACTION _____

)

Defendant.)

EMPLOYMENT DISCRIMINATION COMPLAINT

Plaintiff contends that her civil rights has been violated under Title VII of the Civil Rights Act of 1954, the U.S. Supreme Court Case of Thompson v. North-American Stainless, LP (January 24, 2011) set a precedent that an employee may legitimately claim retaliation under Title VII on the bases of discrimination due to race and, retaliation. Plaintiff believes that she was discriminated against on the bases of her race being black and she was retaliated against because she filed a discrimination complaint with the Human Resource Department at LTD Financial Services and plaintiff also filed a worker's compensation claim against the company in violation of the Title VII of the Civil Rights Act of 1964 as amended. After I filed my complaints, Plaintiff was written up, set up for failure and eventually discharged which is a

retaliation charge. Management at LTD Financial Services, made false accusations against me set me up to be terminated after coming back from workers comp, I accurately notated accounts in a computer program that did not operate properly after making repeated complaints. A white or Hispanic account representative gave me incorrect information concerning notating accounts and also was always making errors on accounts and he was not discharged.

Management are to perform their official duties in a lawful, professional, ethical manner befitting the state and the agency, maintaining the public trust and making certain that business is conducted in an honest and ethical manner. This Ethics Policy does not Supersede any applicable federal or Texas law or administrative rule Plaintiff is hereby filing this Lawsuit against the above defendant LTD Financial Services, L.P. for the following violations:

Ethic Code - Violation

1.11.6 Standards of Conduct-

Employees or managers are expected to:

- serve the public with respect, concern and courtesy, conducting themselves in a

manner that will enhance the employees confidence in the agency and its staff;

-

be courteous, fair, and impartial in all of their interactions with coworkers, customers,

and the public, conducting agency business with competence, fairness, impartiality, efficiency,

and effectiveness;

-

project a professional, business like image;

-

value cultural and individual differences and exhibit positive, nondiscriminatory behavior toward coworkers, customers, and the public; and

-

Willingly obey the laws of the United States and the State of Texas and the policies of

following the spirit, as well as the letter of the law, and avoiding the appearance of undue

Influence, impropriety, or favoritism.

Labor Code - Violation

TITLE 2. PROTECTION OF LABORERS

SUBCHAPTER A. GENERAL PROVISIONS

SUBTITLE A. TEXAS UNEMPLOYMENT COMPENSATION ACT

CHAPTER 201. UNEMPLOYMENT COMPENSATION ACT--GENERAL PROVISIONS

Sec. 201.012. DEFINITION OF MISCONDUCT. (a) "Misconduct" means

Mismanagement of a Position of Employment by:

Action or inaction, neglect that jeopardizes the life or property of another such as plaintiff Terri

Atwater, intentional wrongdoing or malfeasance, intentional violation of a law, or violation of a

Policy or rule adopted under subsection 21.055 retaliation.

Sec. 21.055. RETALIATION. An employer, labor union, or employment agency

commits an unlawful employment practice if the employer, labor union, or employment agency retaliates or discriminates against a person who, under this chapter:

Sec. 21.057. INTERFERENCE WITH COMMISSION. An employer, labor union, or employment agency commits an unlawful employment practice if the employer, labor union, or Willfully interferes with the performance of a duty or the exercise of a power under this chapter or Chapter 461, Government Code, by the commission, the commission's staff, or the

Commission's representative. Plaintiff Terri Atwater is bringing this complaint to sue LTD Financial Services, L.P. Plaintiff is filing this complaint that Defendant (White Managers) discriminated and retaliated against plaintiff (black), disrespected Ms. Terri Atwater verbally abused, causing emotional distress, anguish, physical injury causing a acute coronary syndrome to the plaintiff heart. Ms. Atwater is also suing Defendant LTD Financial Services, L.P. for Pain and Suffering and therefore plaintiff is asking for relief in the said amount of 125 million dollars (\$125,000,000.00). Ms. Atwater lost her livelihood, social status, income, home and car and was physical injured during her employment at LTD Financial Services, L.P.

Whereby, by plaintiff do hereby pray that this court do take into consideration Ms. Atwater Plaintiff was homeless and lost all her possessions.



Terri Atwater, Plaintiff – Pro Se

7714 Quintero Drive

Houston, Texas 77083

281.686.0756

CERTIFICATE OF SERVICE

I do hereby serve on this date _____ year _____ to

Denise Mason, agent for LTD Financial Services, L.P., 7322 Southwest Freeway, Suite 1600,
Houston, Texas 77074.

Terri Atwater – Plaintiff – Pro- Se

7714 Quintero Drive

Houston, Texas 77083

281.686.0756

DISMISSAL AND NOTICE OF RIGHTS

To: **Theresa Atwater**
15222 Corona Del Mar
Houston, TX 77083

From: **Houston District Office**
Total Plaza
1201 Louisiana, Suite 600
Houston, TX 77002



On behalf of person(s) aggrieved whose identity is
CONFIDENTIAL (29 CFR §1601.7(a))

EEOC Charge No.

EEOC Representative

Telephone No.

460-2013-03693

Annie Hodge,
Investigator

(713) 651-4940**THE EEOC IS CLOSING ITS FILE ON THIS CHARGE FOR THE FOLLOWING REASON:**

The facts alleged in the charge fail to state a claim under any of the statutes enforced by the EEOC.



Your allegations did not involve a disability as defined by the Americans With Disabilities Act.



The Respondent employs less than the required number of employees or is not otherwise covered by the statutes.



Your charge was not timely filed with EEOC; in other words, you waited too long after the date(s) of the alleged discrimination to file your charge



The EEOC issues the following determination: Based upon its investigation, the EEOC is unable to conclude that the information obtained establishes violations of the statutes. This does not certify that the respondent is in compliance with the statutes. No finding is made as to any other issues that might be construed as having been raised by this charge.



The EEOC has adopted the findings of the state or local fair employment practices agency that investigated this charge.



Other (briefly state)

- NOTICE OF SUIT RIGHTS -

(See the additional information attached to this form.)

Title VII, the Americans with Disabilities Act, the Genetic Information Nondiscrimination Act, or the Age Discrimination in Employment Act: This will be the only notice of dismissal and of your right to sue that we will send you. You may file a lawsuit against the respondent(s) under federal law based on this charge in federal or state court. Your lawsuit **must be filed WITHIN 90 DAYS of your receipt of this notice**; or your right to sue based on this charge will be lost. (The time limit for filing suit based on a claim under state law may be different.)

Equal Pay Act (EPA): EPA suits must be filed in federal or state court within 2 years (3 years for willful violations) of the alleged EPA underpayment. This means that **backpay due for any violations that occurred more than 2 years (3 years) before you file suit may not be collectible.**

On behalf of the Commission

Elizabeth S. Ruff
R.J. Ruff, Jr.,
District Director

MAR 25 2014

(Date Mailed)

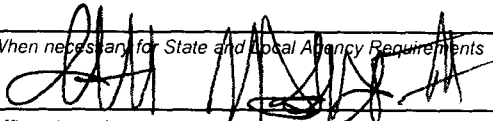
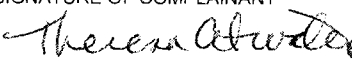

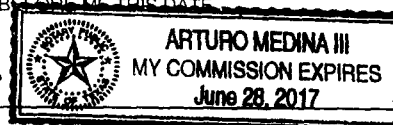
Enclosures(s)

Charge of Discrimination
 Information on Filing Suit

cc:

Denise Mason
Vice President, Human Resources
LTD FINANCIAL SERVICES, L.P.
7322 Southwest Freeway, Suite 1600
Houston, TX 77074

Lowell Keig, Director
Texas Workforce Commission-Civil Rights Division
101 E. 15th Street, Room 144T
Austin, TX 78778

CHARGE OF DISCRIMINATION		Charge Presented To: _____ Agency(ies) Charge No(s): 460-2013-03693	
This form is subject to the Privacy Act of 1974. See enclosed Privacy Act Statement and instructions before completing this form.		<input type="checkbox"/> FEPA <input checked="" type="checkbox"/> EEOC	
Texas Workforce Commission Civil Rights Division and EEOC			
State or local Agency, if any			
Name (Indicate Mr., Ms., Mrs.) Ms. Theresa Atwater		Home Phone (Incl. Area Code) (281) 686-0756	Date of Birth 09-24-1956
Street Address 15222 Corona Del Mar, Houston, TX 77083		City, State and ZIP Code	
Named is the Employer, Labor Organization, Employment Agency, Apprenticeship Committee, or State or Local Government Agency That I Believe Discriminated Against Me or Others. (If more than two, list under PARTICULARS below.)			
Name LTD FINANCIAL SERVICES LP		No. Employees, Members 101 - 200	Phone No. (Include Area Code) (713) 414-2100
Street Address 7322 Southwest Freeway, Suite 1600, Houston, TX 77074		City, State and ZIP Code	
Name		No. Employees, Members	Phone No. (Include Area Code)
Street Address		City, State and ZIP Code	
DISCRIMINATION BASED ON (Check appropriate box(es).)		DATE(S) DISCRIMINATION TOOK PLACE Earliest Latest 07-18-2013 08-23-2013	
<input checked="" type="checkbox"/> RACE <input type="checkbox"/> COLOR <input type="checkbox"/> SEX <input type="checkbox"/> RELIGION <input type="checkbox"/> NATIONAL ORIGIN <input checked="" type="checkbox"/> RETALIATION <input type="checkbox"/> AGE <input type="checkbox"/> DISABILITY <input type="checkbox"/> GENETIC INFORMATION <input type="checkbox"/> OTHER (Specify)		<input type="checkbox"/> CONTINUING ACTION	
THE PARTICULARS ARE (If additional paper is needed, attach extra sheet(s)): I was hired as an Account Representative, Collection Department, on May 13, 2013. On August 23, 2013, I was discharged from my position. William Larry, Department Manager, told me that there was something wrong with the way that I was notating accounts, that 60 accounts were mis-notated, and that there were other little things. I believe that I have been discriminated against because of my race, Black, and retaliated against because I filed a discrimination complaint with Human Resources and filed worker's comp against the company, in violation of Title VII of the Civil Rights Act of 1964, as amended. After I filed my complaints, I was written-up and eventually discharged. William Larry made false accusations against me. I accurately notated accounts. A White or Hispanic Account Representative gave me incorrect information concerning notating accounts. However, he was not discharged.			
I want this charge filed with both the EEOC and the State or local Agency, if any. I will advise the agencies if I change my address or phone number and I will cooperate fully with them in the processing of my charge in accordance with their procedures.		NOTARY - When necessary for State and Local Agency Requirements 	
I declare under penalty of perjury that the above is true and correct.		I swear or affirm that I have read the above charge and that it is true to the best of my knowledge, information and belief. SIGNATURE OF COMPLAINANT 	
Aug 29, 2013  Date Charging Party Signature		SUBSCRIBED AND SWORN TO BEFORE ME THIS DATE (month, day, year) August 29, 2013	
			

EMPLOYMENT OPPORTUNITY COMMISSION

HOUSTON DISTRICT OFFICE

TOTAL PLAZA

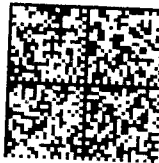
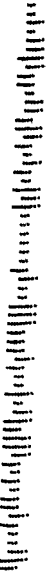
1201 LOUISIANA STREET - 6TH FLOOR
HOUSTON, TX 77002

OFFICIAL BUSINESS

Penalty for Private Use, \$300

Theresa Atwater
7714 Quintero Drive
Houston, TX 77083

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